

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JEFFREY ROBERT GEORGE,

Petitioner,

v.

//

CIVIL ACTION NO. 1:07CV147
(Judge Keeley)

WARDEN, FCI GILMER,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 16, 2007, the pro se petitioner, Jeffrey Robert George, a prisoner at the Federal Correctional Institution in Gilmer County, West Virginia ("FCI Gilmer") filed an "Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241." On July 17, 2007, United States Magistrate Judge James E. Seibert issued a Report and Recommendation ("R&R") recommending that this Court deny George's petition and dismiss this case with prejudice. On July 28, 2008, George filed objections to the R&R.

This Court reviews de novo any portion of an R&R to which any party objects, but this Court may adopt portions of the R&R to which no party objects without substantive review.¹

¹ George's failure to object to a portion of the Report and Recommendations not only waives his appellate rights on that issue, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Upon de novo review, the Court finds that the Magistrate Judge properly applied the rules of United States v. Wilson, 503 U.S. 329 (1992) and Randall v. Whelan, 938 F.2d 522 (4th Cir. 1991), when he concluded that George is not entitled to credit for time served while on home detention with electronic monitoring. The Magistrate Judge also properly found that George had failed to exhaust his administrative remedies and that he has already received credit for the time he spent in the regional jail, mooted that issue.

Consequently, the Court **ADOPTS** the R&R (dkt. no. 20), **DENIES** George's petition, and **DISMISSES** this case **WITH PREJUDICE**. The Court orders the Clerk to **STRIKE** this case from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and transmit a copy of this Order to all appropriate agencies.

Dated: July 30, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE